

**[DECIDED AUGUST 6, 2024]**

No. 23-1174 (L), 23-1221

*and*

No. 23-1175 (L), 23-1222

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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CITY OF PORT ISABEL, *et al.*,

*Petitioners,*

v.

FEDERAL ENERGY REGULATORY COMMISSION,

*Respondent.*

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On Petition for Review of Orders of the  
Federal Energy Regulatory Commission

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**PETITIONERS' JOINT OPPOSITION TO RIO GRANDE LNG,  
RIO BRAVO PIPELINE COMPANY, AND TEXAS LNG's MOTION  
FOR LEAVE TO FILE REPLY**

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Dated December 23, 2024

**PETITIONERS' JOINT OPPOSITON TO INTEVERVENORS'  
MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF  
PETITIONS FOR REHEARING OR REHEARING EN BANC**

The Court should deny intervenors' request to file a reply. The Federal Rules of Appellate Procedure contemplate responses to petitions for rehearing, but not replies, and intervenors have not identified anything exceptional about this case.

Intervenors' request is particularly absurd given the existing disparity in briefing. Intervenors have already filed three petitions, at nearly 3,900 words each, for 11,700 words total. Rio Grande LNG and Texas LNG then filed two FRAP 28(j) letters, at 350 words each, arguing that *Marin Audubon* supported their positions. Intervenors are further supported by *eight* amicus briefs and another 3,900 words of support from FERC. Against this mountain of briefing, Petitioners filed a single 3,900-word response. A reply would unfairly exaggerate this disparity.

Petitioners' arguments opposing rehearing could have and should have been foreseen by Intervenors. Intervenors' failure to anticipate these issues and address them in their voluminous briefing to date does not justify an otherwise-prohibited reply.

Even if *some* reply was warranted, the one Intervenor seeks to file here is hardly “concise.” Mot. at 4. Replies are normally limited to half the length of the document they reply to. For Petitioners’ 3,900-word response, that would be 1,950 words. Intervenor seeks to exceed that by 40%, with a 2,717-word reply. The Court should reject this overlong and superfluous reply outright.

Dated: December 23, 2024

Respectfully submitted,

/s/ Nathan Matthews

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## CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 215 words.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of December, I have served the foregoing Joint Opposition for Leave to File a Reply on all registered counsel through the Court's electronic filing system (ECF).

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